



STATE OF CONNECTICUT

STATE ETHICS COMMISSION

ADVISORY OPINION NO. 89-14

Employee's Use of Expertise Required in State Service

Ms. Mary Adams, a research analyst for the Department of Health Services, is the coordinator for a computerized health risk appraisal system (HRA) for teenagers and pre-teenagers that is provided free to schools that request it. The questionnaire and computer software used in the HRA is provided to the State under contract by Healthtech Industries. Ms. Adams was involved in the negotiations of Healthtech's last two contracts with the State which were for the following terms: January 1, 1988 through June 30, 1988 and September 1, 1988 through June 30, 1989. These contracts obligated the State to pay \$17,000 and \$11,500 respectively. Healthtech had a contract with the State prior to January 1, 1988 but Ms. Adams was not involved with the negotiations of that contract. Once the September 1, 1988 through June 30, 1989 contract expires, Healthtech will not have any contracts with the State.

Ms. Adams has asked for an advisory opinion on: 1) whether she can develop an environmental program similar to the HRA while continuing her employment with the State and/or 2) whether she can work for or with Healthtech to develop a computerized environmental program.

A State employee may not disclose confidential information acquired in the course of employment for financial gain. Conn. Gen. Stat. §1-84(c). A state employee also may not use public office or any confidential information received through public office to obtain financial gain for himself or herself. *Id.* A state employee may, however, use his or her expertise, including experience acquired in state service, for private financial benefit. Ethics Commission Advisory Opinion No. 88-20, 50 Conn. L.J. No. 23, p. 3C (December 6, 1988).

It would not, therefore, be a violation of the Code of Ethics for Ms. Adams to use her marketing and computer skills to develop a computerized environmental program similar to the computerized HRA program she presently coordinates for the

State. If once this program is developed Ms. Adams wishes to sell it to the State she must, of course, comply with the open and public bid provisions of Conn. Gen. Stat. §1-84(i).

Ms. Adams has also asked whether she can work with Healthtech as an employee or an independent consultant to develop and market a computerized environmental program similar to the HRA or whether she can subcontract with Healthtech for services if she decides to develop an environmental program on her own.

A state employee may not accept other employment which will impair independence of judgment as to official employment or induce disclosure of confidential information acquired in the course of his or her State duties. Conn. Gen. Stat. §1-84(b). Since Healthtech's present contract with the State expires on June 30, 1989, it does not appear that Ms. Adams' judgment would be impaired were she to accept employment with Healthtech either as a part-time employee or an independent contractor. Nor would it be a violation of §1-84(b) for Ms. Adams to subcontract with Healthtech for services. Since Ms. Adams would be prohibited from accepting any employment which would impair her independence of judgment, it follows that she must recuse herself from situations which would impair her independence of judgment that might arise after she accepts outside employment. Therefore, if Healthtech wanted to contract with the State in the future she would be required to recuse herself from the negotiations process.

By order of the Commission,



William A. Elrick
William A. Elrick
Chairperson

Dated

6-5-89